

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ROBERT RHODES,

Defendant.

No. 18-cr-373-14 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a *pro se* submission from Defendant Robert Rhodes, consisting of a letter, dated December 21, 2023, and three attached exhibits. Because Rhodes is currently represented by counsel (*see, e.g.*, Doc. Nos. 985, 988, 998), and has not made any claim that counsel is not adequately representing him or any request to proceed *pro se*, *see United States v. Stevens*, 83 F.3d 60, 67 (2d Cir. 1996), the Court declines to consider Rhodes's *pro se* submission. *See United States v. Hage*, 74 F.4th 90, 93 (2d Cir. 2023) (explaining that a “defendant cannot switch between *pro se* and counseled modes at will, because the two rights cannot be exercised at the same time” (internal quotation marks and alterations omitted)). The Court has provided a copy of Rhodes's *pro se* submission to defense counsel via email and will maintain the original submission under seal in the event that defense counsel intends to resubmit the letter and/or exhibits in connection with a counseled filing.

The Clerk of Court is respectfully directed to mail a copy of this order to Defendant Robert Rhodes.

SO ORDERED.

Dated: January 2, 2024
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation